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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,607	08/16/2005	Paolo Bazzica	P17045US1	2614
27045	7590	05/03/2007	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			HOLLIDAY, JAIME MICHELE	
			ART UNIT	PAPER NUMBER
			2617	
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			05/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/519,607	Applicant(s) BAZZICA, PAOLO	
	Examiner Jaime M. Holliday	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-10 and 13-22 is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-10 and 13-22 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1, 6, 10, 13, 18 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fostick et al. (Pub # U.S. 2003/0083934 A1)** in view of **Sapp (Pub # U.S. 2003/0009403 A1)**, and in further view of **Schneider (Pub # U.S. 2004/0111366 A1)**.

Consider **claims 1 and 13**, Fostick et al. clearly show and disclose a method (system) for changing the service Level for a subscriber in an electronic communication network, comprising the steps of:

creating a flexible voucher list (FVL) associated with the subscriber the FVL comprising a sequence of voucher records for one or more services, each voucher record in the FVL comprising a quantity of vouchers related to the identified service (the API enables voucher vendors to register vouchers with the system, the vouchers have been entered into the system which may be connected to the VS that lists the vouchers and the voucher data, the database stores for each voucher and identity (ID) (i.e. quantity), the service it represents, optionally the discount, optionally the name of the subscriber) (paragraphs 37, 51), and

associating said sequence of voucher records with a subscriber for usage by said subscriber when utilizing said one or more services (the database stores for each voucher and identity (ID) (i.e. quantity), the service it represents, optionally the discount, optionally the service it represents, optionally the name of the recipient) (paragraphs 37, 51).

However, Fostick et al. fail to specifically disclose that the voucher utilizes a nonspecific identifier.

In the same field of endeavor, Sapp clearly shows and discloses each voucher record in the FVL utilizing a nonspecific identifier adaptable for identifying any service (the enhanced FI (financial instrument) can be an

instrument representing a financial asset other than a debt or equity instrument, such as a voucher. Additionally, the enhanced FI has universal and unlimited applications to any enterprise or entity and for any products or services that can be conferred on the purchaser of the instrument in addition to those financial benefits normally associated with a corresponding traditional type of instrument. To extend further, the enhanced FI can be designed to confer other benefits such discounts (e.g., 20% off purchase, buy-one-get-one-free, 20% off brokerage services, etc.) at merchants for tangible products and/or services in addition to the normal financial benefits) (paragraph 89).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a voucher to be universal as taught by Sapp in the method of Fostick et al., in order to allow a voucher to be adaptable for unlimited applications.

However, Fostick et al., as modified by Sapp, fail to specifically disclose that the vouchers are converted from non-monetary vouchers.

In the same field of endeavor, Schneider clearly shows and discloses a value of the sequence of voucher records is determined for the sequence of voucher records and converted from a non-monetary value into a specific rate or interval associated with the identified services (a non-monetary account such as a time account to earn time over a duration of time, wherein an amount type converter for converting between different non-monetary amounts is included; enabling the processing of different non-monetary amount types such as an

amount of product, amount of service, amount of reward, amount of points, amount of time, amount of distance, amount of volume, amount of mass, amount of bandwidth, and amount of energy; an account holder may earn interest measured in airline miles based on the usage of 1,000 minutes of phone time) (paragraphs 10, 42).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a accrued units to be converted into units usable by different services as taught by Schneider in the method of Fostick et al., as modified by Sapp, in order to allow a voucher to be adaptable for unlimited applications.

Consider **claims 6 and 18**, the combination of Fostick et al. and Sapp, as modified by Schneider, clearly show and disclose the invention **as applied to claims 1 and 13 above**, respectively, and in addition, Fostick et al. further disclose voucher records are arranged in a list associated with said subscriber (the API enables voucher vendors to register vouchers with the system, the vouchers have been entered into the system which may be connected to the VS that lists the vouchers and the voucher data, the database stores for each voucher and identity (ID) (i.e. quantity), the service it represents, optionally the discount, optionally the name of the subscriber) (paragraphs 37, 51).

Consider **claims 10 and 22**, the combination of Fostick et al. and Sapp, as modified by Schneider, clearly show and disclose the invention **as applied to claims 1 and 13 above**, respectively, and in addition, Schneider further

discloses that the quantity of unit is specified as time of service usage (processing of different non-monetary amount types such as an amount of product, amount of service, amount of reward, amount of points, amount of time, amount of distance, amount of volume, amount of mass, amount of bandwidth, and amount of energy) (paragraph 10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a accrued units to be converted into units in denomination of time as taught by Schneider in the method of Fostick et al., as modified by Sapp, in order to allow a voucher to be adaptable for unlimited applications.

5. **Claims 2, 3, 14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Fostick et al. (Pub # U.S. 2003/0083934 A1)** and **Sapp (Pub # U.S. 2003/0009403 A1)**, in view of **Schneider (Pub # U.S. 2004/0111366 A1)**, and in further view of **Whale (Pub # U.S. 2003/0046171 A1)**.

Consider **claims 2 and 14**, the combination of Fostick et al. and Sapp, as modified by Schneider, clearly show and disclose the claimed invention **as applied to claims 1 and 13 above**, respectively, and in addition, Sapp further discloses voucher type identification corresponding to the nonspecific identifier (the enhanced FI has universal and unlimited applications to any enterprise or entity and for any products or services that can be conferred on the purchaser of

the instrument in addition to those financial benefits normally associated with a corresponding traditional type of instrument) (paragraph 89).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a voucher to be universal as taught by Sapp in the method of Fostick et al., in order to allow a voucher to be adaptable for unlimited applications.

However, the combination of Fostick et al. and Sapp, as modified by Schneider, fail to specifically disclose creating one or more rating records.

In the same field of endeavor, Whale clearly shows and discloses creating one or more rating records in a rating structure for storage of a fee measured in units to be charged for service usage (if there is a value of 5,000 in the usage column a value of 5% in the discount column and a value of 95.00 in the price column, this indicates that if a customer prints 5,000-9,999 pages per month with a vendor's components, the customer receives a 5% discount on a toner cartridge) (paragraphs 52-56), further comprising a voucher type identification (i.e. usage column) and a voucher quantity (discount), specifying the type and the quantity of vouchers corresponding to said fee for a particular service (if there is a value of 5,000 in the usage column a value of 5% in the discount column and a value of 95.00 in the price column, this indicates that if a customer prints 5,000-9,999 pages per month with a vendor's components, the customer receives a 5% discount on a toner cartridge) (paragraphs 49-59).



Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to keep a record of customer usage for discounts as taught by Whale in the method of Fostick et al. and Sapp, as modified by Schneider, in order to provide a variation in the type of communication gadget, such as a computer or pc, which could be used to communicate discounts or voucher records.

Consider **claims 3 and 15**, the combination of Fostick et al. and Sapp, as modified by Schneider, clearly show and disclose the claimed invention **as applied to claims 1 and 13 above**, respectively, and in addition, Sapp further discloses voucher type identification corresponding to the nonspecific identifier (the enhanced FI has universal and unlimited applications to any enterprise or entity and for any products or services that can be conferred on the purchaser of the instrument in addition to those financial benefits normally associated with a corresponding traditional type of instrument) (paragraph 89).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow a voucher to be universal as taught by Sapp in the method of Fostick et al., in order to allow a voucher to be adaptable for unlimited applications.

However, the combination of Fostick et al. and Sapp, as modified by Schneider, fail to specifically disclose creating one or more rating records.

In the same field of endeavor, Whale clearly shows and discloses creating one or more rating records in a rating structure for storage of an amount or rate

of units to be deducted in order to rate an interval and a charging interval to be rated, a voucher type identification and a voucher quantity (if there is a value of 5,000 in the usage column a value of 5% in the discount column and a value of 95.00 in the price column, this indicates that if a customer prints 5,000-9,999 pages per month with a vendor's components, the customer receives a 5% discount on a toner cartridge) (paragraphs 52-56), specifying the type (i.e. usage) and the quantity (i.e., discount) of vouchers corresponding to the rate for said interval (if there is a value of 5,000 in the usage column a value of 5% in the discount column and a value of 95.00 in the price column, this indicates that if a customer prints 5,000-9,999 pages per month with a vendor's components, the customer receives a 5% discount on a toner cartridge) (paragraphs 49-59).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to keep a record of customer usage for discounts as taught by Whale in the method of Fostick et al. and Sapp, as modified by Schneider, in order to provide a variation in the type of communication gadget, such as a computer or pc, which could be used to communicate discounts or voucher records.

6. **Claims 4 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Fostick et al. (Pub # U.S. 2003/0083934 A1)** and **Sapp (Pub # U.S. 2003/0009403 A1)** in view of **Schneider (Pub # U.S. 2004/0111366 A1)** and

**Whale (Pub # U.S. 2003/0046171 A1), and in further view of Ahola et al. (WO 9918713).**

Consider **claims 4 and 16**, and **as applied to claims 2 and 14 above**, respectively, the combination of Fostick et al. and Sapp, as modified by Schneider and Whale, clearly show and disclose the claimed invention except receiving an incoming charging request from a service element, analyzing said rating structure for said charging request, if there is a condition in said rating structure for said request, finding a resulting rating record for return to said request, if said rating record comprises a voucher type identification and if a record having an identification corresponding to said voucher type identification of said rating record, is available for said user, decreasing the voucher quantity of said voucher record with a value corresponding to the consumed service.

In the same field of endeavor, Ahola et al. clearly show and disclose receiving an incoming charging request from a service element (when a call is placed and the balance exceeds a certain threshold value a message is sent to the caller asking him/her to load additional money to the user account) (pg 14 lines 18-25),

analyzing said rating structure for said charging request (the service may ask for a voucher number and if it is invalid or non existing the user will be allowed to input the number again) (page 14 lines 35-37 page 15 lines 6-15),

if there is a condition in said rating structure for said request, finding a resulting rating record for return to said request (the service asks for the voucher

number and if the number inputted is correct the service converts the desired amount to the units used by the prepayment service) (page 14 lines 35-37 page 15 lines 6-15),

if said rating record comprises a voucher type identification and if a record having an identification corresponding to said voucher type identification of said rating record, is available for said user (the service asks for the voucher number and if the number inputted is incorrect or invalid after a cert predefined number of attempts the user account will be blocked (making it unavailable to the user)) (page 14 lines 35-37 page 15 lines 6-15),

decreasing the voucher quantity of said voucher record with a value corresponding to the consumed service (if the voucher number is correct then the amount in used units such as pulses is reduced from the voucher account and correspondingly added to the actual user account) (page 14 lines 35-37 page 15 lines 6-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to verify vouchers as taught by Aloha et al. in the method of Fostick et al. and Sapp, as modified by Schneider and Whale, in order to authenticate vouchers or users for service.

7. **Claims 5, 8-9, 17, and 20-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Fostick et al. (Pub # U.S. 2003/0083934 A1)** and **Sapp (Pub # U.S. 2003/0009403 A1)** in view of **Schneider (Pub # U.S. 2004/0111366**

**A1) and Whale (Pub # U.S. 2003/0046171 A1), and in further view of Rand et al. (WO 0139092).**

Consider **claims 5 and 17**, and **as applied to claims 3 and 15 above**, respectively, the combination of Fostick et al. and Sapp, as modified by Schneider and Whale, clearly show and disclose the claimed invention except rating records have a discount percentage value that fixes the maximum percentage of the service usage that is payable using the vouchers for a particular service that can be paid using the vouchers.

In the same field of endeavor, Rand et al. clearly show and disclose rating records have a discount percentage value that fixes the maximum percentage of the service usage that is payable using the vouchers for a particular service that can be paid using the vouchers (in one embodiment the positive value fee is calculated based on the number of minutes the media is played (a percentage)) (page 10 lines 10-16).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to calculate a value fee based on usage as taught by Rand et al. in the method of Fostick et al. and Sapp, as modified by Schneider and Whale, in order to provide the user with Internet access and the like at a more reasonable and controllable rate.

Consider **claims 8 and 20**, the combination of Fostick et al., Sapp and Schneider, as modified by Whale and Rand et al., clearly shows and discloses the claimed invention **as applied to claims 5 and 17 above**, respectively, and in

addition, Rand et al. further disclose if a priority order for the usage of said voucher record, having a voucher type identification corresponding to said voucher type identification of said rating record, or another unit of payment associated with said subscriber is available (the calculation for the fee for viewing the media maybe based on a fixed fee accrued on a time interval by time interval or frame segment by frame segment basis or by a variable fee based on the content of the media) (page 10 lines 10-25), the voucher record or unit of payment is selected for decrease according to said priority order (if the user or subscriber fast-forwards past the commercial advertisement to point **103** the subscriber will only be granted a negative value fee based on what was viewed (meaning the priority is given to the frame by frame instead of time-interval by time-interval)) (page 11 lines 12-16 and 25-34).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to calculate a fee based viewing a fixed fee as taught by Rand et al. in the method of Fostick et al. and Sapp, as modified by Schneider and Whale, in order to provide the user with Internet access and the like at a more reasonable and controllable rate.

Consider **claims 9 and 21**, the combination of Fostick et al., Sapp and Schneider, as modified by Whale and Rand et al., clearly shows and discloses the claimed invention **as applied to claims 8 and 20 above**, respectively, and in addition, Rand et al. further disclose priority order is modified by the subscriber (if the subscriber (fees are base on the actions of the subscriber) fast-forwards past

the commercial advertisement to point 103 the subscriber will only be granted a negative value fee based on what was viewed (meaning the priority is given to the frame by frame instead of time-interval by time-interval)) (page 11 lines 12-16 and 19-34).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to base fees on the action of the subscribers as taught by Rand et al. in the method of Fostick et al. and Sapp, as modified by Schneider and Whale, in order to provide the user with Internet access and the like at a more reasonable and controllable rate.

8. **Claims 7 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fostick et al. (Pub # U.S. 2003/0083934 A1) and Sapp (Pub # U.S. 2003/0009403 A1)**, and in view of **Schneider (Pub # U.S. 2004/0111366 A1)**, and in further view of **Ahola et al. (WO 9918713)**.

Consider **claims 7 and 19**, and as applied to **claims 1 and 13** above, respectively, the combination of Fostick et al. and Sapp, as modified by Schneider, clearly show and disclose the claimed invention except that voucher records have an expiry date.

In the same field of endeavor, Ahola et al. clearly show and disclose voucher records have an expiry date (the vouchers may have a predefined expiry date) (page 16 lines 10-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide vouchers with an expiration date as taught by Aloha et al. in the method of Fostick et al. and Sapp, as modified by Schneider, in order to provide a duration for which the vendor decides to base pricing incentives.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571)

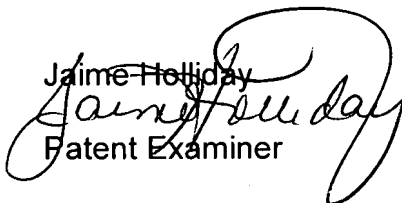


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272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jaime Holliday  
  
Patent Examiner

JEAN GELIN  
PRIMARY EXAMINER  
